

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DIANNE L. KELLEY, et al.,)	
)	
Plaintiffs,)	No. C07-0475 MJP
)	
v.)	DECLARATION OF IAN S. BIRK
)	
MICROSOFT CORPORATION, a Washington)	<u>CLASS ACTION</u>
Corporation,)	
)	
Defendant.)	

IAN S. BIRK declares:

1. I am one of the attorneys for the plaintiffs herein, over the age of 18, and competent to make the statements herein from personal knowledge.

2. Attached hereto are true and correct copies of the following:

Exhibit A: PwC Engagement letter dated May 1, 2007, MS-KELL 70027-34.

Exhibit B: Notice of Videotaped 30(b)(6) Deposition dated May 9, 2008.

Exhibit C: E-mail from Steve Rummage regarding Deposition Arrangements dated June 4, 2008.

Exhibit D: Pages 1, 16-20, 91 and the court reporter's certificate to the Deposition of Kathryn Griffith.

DECLARATION OF IAN S. BIRK
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LAW OFFICES OF
KELLER ROHRBACK L.L.P.
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Exhibit E: Microsoft's Second Supplemental Responses to Notice of 30(b)(6)
Deposition dated July 31, 2008.

Exhibit F: Letter from Steve Rummage to Will Smart dated July 8, 2008.

Exhibit G: Letter from Lori Lynn Phillips of Heller Ehrman to Ian Birk dated July 11, 2008.

Exhibit H: PWC Privilege Log.

3. I swear or affirm under penalty of perjury under the laws of the United States that the within and foregoing declaration which was made on the date indicated below in Seattle, Washington is true and correct.

DATED this 29th day of September, 2008.

IAN S. BIRK

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CERTIFICATE OF SERVICE

I hereby certify that on September ~~30~~, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the persons listed below and forwarded copies via e-mail:

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By, 
Shannon McKeon